

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION AND
JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
held on Monday, March 14, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center
Chairman White Presiding.

A. OPENING OF SESSION AT 6:00 P.M.

- 1. Joint Town & Village of Weston Extraterritorial Zoning Committee meeting called to order by Diesen.**
- 2. Plan Commission meeting called to order PC Chairman White.**
- 3. Clerk will take attendance and roll call.**

Roll call indicated 4 Joint Town & Village of Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	NO

Roll call indicated 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	NO
White, Loren	YES
Zeyghami, Hooshang	YES

Village Staff in attendance: Higgins, Donner, Tatro, Wehner, and Parker. There were 3 audience members present.

4. Requests for Silencing of cellphones and other electronic devices.

B. JOINT TOWN & VILLAGE OF WESTON EXTRATERRITORIAL ZONING (ETZ) COMMITTEE

5. Public hearing before ETZ Committee on the following Zoning Ordinance Amendments:

- i) Ordinance No. 16-003 An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled *Treatment of Allowable Uses by Zoning District*.
- ii) Ordinance No. 16-004 An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled *Residential Land Use Types – Manufactured Home Community – Performance Standards*.
- iii) Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled *Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts*.
- iv) Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.02(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, Section 94.16.03 (4) of the Zoning Ordinance Entitled *Zoning Administrator Review and Recommendation*, Section 94.16.03(5) of the Zoning Ordinance Entitled *Notice of Public Hearing*, and Section 94.16.03(7) of the Zoning Ordinance Entitled *Review Criteria for Amendments to the Official Zoning Map*.
- v) Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
- vi) Ordinance No. 16-009 An Ordinance Amending Section 94.16.11(4) and (5) of the Zoning Ordinance Relating to Variance Procedures.
- vii) Ordinance No. 16-010 An Ordinance Amending Section 94.16.13(4) of the Zoning Ordinance Relating to Concurring Vote and Decision of an Appeal of a Zoning Interpretation.

- viii) Ordinance No. 16-011 An Ordinance Amending Section 94.16.15(2) of the Zoning Ordinance Relating to Zoning Administrator Duties.
- ix) Ordinance No. 16-012 An Ordinance Amending Section 94.3.03(13) of the Zoning Ordinance Entitled *Utility Connections to Principal Building for Human Habitation*.
- x) Ordinance No. 16-013 An Ordinance Amending Section 94.16.19(1) of the Zoning Ordinance Entitled *Violations*, and Section 94.16.19(3) of the Zoning Ordinance Entitled *Penalties*.
- xi) Ordinance No. 16-014 An Ordinance Amending Figure 5.01 (1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimension and Intensity Standards*.
- xii) Ordinance No. 16-015 An Ordinance Amending Section 94.5.08(1)(b) and (d) of the Zoning Ordinance Relating to Calculating Maximum Permitted Density in the AR District.
- xiii) Ordinance No. 16-016 An Ordinance Amending Section 94.16.09(4) of the Zoning Ordinance Relating to Site Plan Procedures Application Contents.
- xiv) Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled *One-Time Event Signs*.

Diesen opened the hearing, and asked for staff's input.

Higgins stated all were updates from the Town of Weston zoning code project, and these are minor changes suggested from the Town Attorney. Staff requests these be adopted for the ETZ zoning code and Village zoning code.

No one spoke in favor or in opposition of the changes.

6. Discussion and Action by ETZ on Director's recommendation to approve the Zoning Ordinance Amendments, per the specifications, conditions, and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.

Higgins brought it to the attention of the Village PC and ETZ members that this public hearing was incorrectly listed on the meeting agenda. It is only listed to be discussed and acted on before ETZ, where this should also be discussed and acted on by Village PC. Higgins recommended ETZ remove this public hearing from tonight's meeting and re-hear it at the April 11th meeting. She stated the public hearing notice was correct, just not the agenda.

Motion by Hull, second by Kollmansberger to postpone public hearing Ordinance 16-003 – 16-005 and 16-007 -16-016 until some date staff determines. Q: Higgins stated she will check with Weinkauff to see if the full public hearing notice needs to be re-noticed, since it was properly noticed for this meeting.

Motion by Hull, second by Kollmansberger to also postpone the public hearing for Ordinance 16-006 until some date staff determines.

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	NO

C. PUBLIC COMMENT – ETZ.

7. Comments from the public on issues, which the ETZ has oversight, or on business items that might be recommended to the Board of Trustees.

Ken Umbarger, owner Stillwater Landings Mobile Home Park, 4311 Schofield Avenue, asking if there are copies of the ordinance changes brought up tonight. Higgins explained these are all available online.

D. CONSENT ITEMS – ETZ.

8. Approve previous meeting(s) minutes from the ETZ, October 12, 2015.

Motion by Kollmansberger, second by Christiansen, to approve previous meeting(s) minutes from the ETZ, October 12, 2015.

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Stenstrom, Mike	NO

E. DISCUSSION AND REVIEW OF DRAFT ORDINANCE.

9. Discussion on Draft Mobile Food Vending Zoning and Licensing Ordinance

Higgins stated staff has been asked to research and put into the zoning code the allowance of food carts/trucks (mobile food vending), and create regulations and licensing for these. There are a few food truck vendors that would like to visit some of the larger employers on certain days and also potentially in different places throughout the Village. There is one particular vendor that has shown up at the Gardner Bakery Outlet. Wausau has mobile food vending regulations for their downtown area, around the 400 Block, and a few other places. Higgins pointed out how Wehner has looked at other Municipal ordinances for examples to use in this one. She stated that, along with Chapter 94, we are also adding language to the Village's Municipal Ordinance Chapter 18 (business licensing). We will also need to look at our schedule of fees for the different licensing options.

Higgins stated this would be coming back next month through a public hearing (for the zoning portion). She mentioned that modifications to Chapter 18 do not require a public hearing, but staff wanted to share this entire piece with this group to show the overall picture. Higgins stated this is something that probably will not be utilized within the Town, but thought it would be best to keep it all together as one code (PC and ETZ).

Kollmansberger is in favor of this ordinance. Higgins stated there had been some issues in the past with the non-profits, where we included regulations in the old code requirements that they register as a vendor, but then we would not charge them. The biggest thing with this ordinance is that we will know where those food carts are, as if someone gets sick or has a problem, we are the first place people tend to call. This also requires the vendors to contact the business owner for permission first.

Johnson stated, as far as the ETZ area goes, he could see these food vendors at farm auctions that occur. Wehner stated this would be handled differently, as anytime there is an event open to the public, where over 200 people will be attending, there is a different permit for that, and those food vendors would be covered under that permit. Either way, if they want to sell food, they should still be licensed. Wehner stated if the Town wanted to add this to their code, they would then also need to update their Chapter 18 ordinance. Kollmansberger confirmed these also go through a background check through the police chief. Wehner stated we will be proposing a similar fee schedule as Wausau, where the cost would be \$100.00 per year and \$75.00 for 6 months.

White feels, within the definitions, that 32 square feet was kind of small. Wehner stated this is what Wausau has in their regulations for food carts, unless they have a vehicle, where vehicle specifications are found elsewhere.

Hull pointed out some of the definitions only cover the Village corporate limits. Wehner stated we would have to amend this to include the ETZ area.

F. ADJOURN ETZ.

10. Adjourn ETZ Committee

Motion by Hull, second by Kollmansberger to adjourn at 6:20 p.m.

G. PLAN COMMISSION (PC)

11. Public Hearing before PC REZN-2-16-1566 Jennifer Higgins, Village of Weston, requesting a rezone from BP (Business Park) to LI (Limited Industrial), on property addressed as 8902 Progress Way, consisting of 3.119 acres, to allow this parcel to be combined with adjacent parcels to the east.

Higgins explained how this lot and the outlot to the east were initially split, as From The Forest (FTF) was going to purchase the outlot for their expansion; now FTF is interested in purchasing the entire original lot. Basically, we are rezoning this lot to LI, and then will be putting those two lots back together. White questioned if this could possibly change again? Higgins stated she hoped this was the final change.

No one spoke in favor or opposition.

White closed this hearing at 6:25 p.m.

12. Discussion and Action by PC on Director's recommendation to approve REZN-2-16-1566, per the specifications, conditions, and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.

Motion by Schuster, second by Diesen, to approve the REZN-2-16-1566, per the specifications, conditions, and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	NO
White, Loren	YES
Zeyghami, Hooshang	YES

H. PUBLIC COMMENT (PC)

13. Comments from the public on issues, which the PC has oversight, or on business items that might be recommended to the Board of Trustees.

Mark Yagerlener, 222 E. College Avenue, Appleton, WI, who handles the real estate for Ministry Health Care; specifically, he works for Ascension Health, who is the parent hub hospital corporation for Ministry Health.

He stated the reason he is here today, was he had the originally scheduled 4:30 p.m. JSD presentation on his calendar; and though the presentation date has been moved, he thought he would still attend our meeting to introduce himself to us and share some comments with us, on behalf of Ministry Health.

He explained Ministry owns 33 acres, on the northeast corner of Camp Phillips Road and Weston Avenue (sometime referred to the Schmidt or Putnam parcel). Ministry Health and Ascension is very supportive of seeing development occur in that proposed TIF project. As a neighbor and strong stakeholder in the community, they are wanting to see development that is complimentary to the quality of the development that they have on the Saint Clare's campus. They are working with Forward Development for their parcel. One part of their focus is economics, and the other part of their focus and discussions is centered on the type of developments that can occur on their site to set a tone and standard masterplan for other types of development that could occur in the area. A concern is that the conceptual plan proposes a large multi-bay gas and convenience store. Though this is just conceptual, they feel this is not the right type of development for Weston's front door, nor is it the right type of development for the front door of the hospital campus. He stated there is already a strong prevalence of automotive-type uses on the other side of Camp Phillips Road. They believe there is opportunity for higher quality-type development to build off the strength of the hospital, such as medical office buildings. He will try to be present for the May JSD presentation.

Schuster questioned Yagerlener if they see the existing R-Store on Westview Boulevard as a detriment to the hospital campus. Yagerlener stated that he is not opposed to what is currently there, but to bring in another automotive-type business would send a heavy-automotive-type tone.

White commented that the Village is investing a lot of time and money into this project, and we do not want something that will appear to be a “gasoline alley” either, that we look to this development as an upgrade, and not the status quo. We are not going to push for something that will degrade the project.

Schuster stated we want attractive, meaningful businesses here. Not going to let just anyone put up a box.

There were no other comments from the public.

I. CONSENT ITEMS – (PC)

6. Approve previous meeting(s) minutes from the Plan Commission February 8, 2016, regular meeting.

Motion by Diesen, second by Johnson, to approve the Plan Commission February 8, 2016 regular meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
Stenstrom, Mike	NO
White, Loren	YES
Zeyghami, Hooshang	YES

J. DISCUSSION AND REVIEW OF COMPREHENSIVE PLAN DRAFT CHAPTERS

15. Chapter 10 Community Facilities and Utilities

Higgins stated this is draft #3. She is looking for any final changes, and will send back to Roffers, who will update and make the needed changes to the chapter numbers. Once the economic development plan has been finalized, she will then bring all of these back together for review prior to a public hearing. She is thinking this will occur at the end of summer or early fall.

Zeyghami questioned on figure 10.5.2, the sidebar comment about adding the Bull Junior Creek in. Zeyghami stated the Bull Junior is the smallest aquifer in the State. The DNR has decided this creek is a non-point for pollution. Donner commented this would be very unlikely to find a wellsite in this drainage basin. Higgins will remove that comment.

Johnson pointed out the first sentence of 10.5.1, needs to be looked at, as it does not make sense. Higgins will look at it.

Schuster pointed out the “in 2016”, should be first. Higgins will address this change in the document before sending back to MDROffers.

16. Chapter 12 Intergovernmental Cooperation

Higgins stated this is draft #2. Johnson questioned the top map on page 11.4, as to whether it should have a legend. He feels some of the colored areas are incorrect, as this is showing his neighborhood as sewer, when his neighborhood is not sewer. He feels this gives the impression that his neighborhood will be city sewer and water. Higgins stated staff will look at this.

K. REPORTS FROM STAFF

17. Report from Planning and Development Director.

Higgins pointed out her report. She stated that staff is currently starting plan review for Briqs Soft Serve, Saint Clare’s Hospital, Intercom Construction, Mount Olive Church, Wagner Shell, Kwik Trip, Coca-Cola, and a potential 4-tenant building on the Target outlot.

SE Quadrant presentation has been moved back to May. She and Donner are working on updating TAZ (traffic analysis zones) boundaries (employment and household projections) for the DOT, who will update their model and get the information back to JSD. JSD has given us some preliminary alternative plans for the DNR and they have to do an economic analysis to explain why we need to cross the wetlands and use Westview Boulevard. Donner explained how we are trying to get the DOT’s traffic model to correlate with

JSD's traffic model, where the DOT wants to check between the two to be sure JSD is not over exaggerating. We are trying to show DOT that by building the improvements that are needed, development will occur faster.

Higgins reminded Zeyghami and White about the Plan Commissioner's Workshop tomorrow in Stevens Point.

18. Staff Report on staff-approved CSM's, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies issued since last reported of 02/08/2016.

L. REMARKS FROM COMMISSIONERS.

Zeyghami stated he received a letter from the Public Service Commission regarding upcoming improvements to occur to the power line along the river. Higgins stated she received a letter too, but has not reviewed it yet. Higgins will review this letter and let them know what is going on.

Johnson commented on if we are okay with food cart vendors hanging out until 2:30/3:00 a.m. at a bar. Johnson is concerned about the hangout and fights. Wehner stated this is verbatim from Wausau's code. Johnson also commented on a place in Colorado Springs, with a beer brewery where 6 carts were stacked up to sell food. It was explained this ordinance allows up to 20 licenses. Wehner commented he has not heard back from the Wausau Clerk on any problems they have experienced. Diesen would like to receive Wausau Police Department statistics on calls they may have taken.

Schuster commented how we do not have a downtown. Wehner feels because we do not have a downtown, there may not be stands this late.

M. DISCUSS ITEMS TO BE INCLUDED FOR NEXT AGENDA.

N. Set next regular meeting date for Monday, APRIL 11, 2016, at 6:00 P.M.

- * **SE Quadrant Open House on Monday, April 11, 2016.**
 - * **Formal Presentation by JSD to CDA & PC from 4:30 – 5:00 p.m.**
 - * **Public Engagement Session and Open House from 5:00 p.m. – 6:00 p.m.**
- Johnson will be gone. JSD presentation has been moved to May.

O. ADJOURN.

13. Adjourn Plan Commission,

Diesen motioned, Johnson seconded to adjourn at 7:00 p.m.

Loren White, Chairman
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary